REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 13, 21, 23, 27 and 29 are amended. Claims 1-6, 11-15, 19-27, 29 and 30 are pending.

I. Rejection under 35 U.S.C. § 103

In the Office Action, at page 5, numbered paragraph 5, claims 1-6, 11-15, 19-27 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 10114950 to Goertz Werner ("Werner") in view of U.S. Patent No. 5,438,433 to Reifman et al. This rejection is respectfully traversed because the combination of the teachings of Werner and Reifman does not suggest:

> receiving the SMS short messages from the short message service center, via a modem;
>
> displaying the received SMS short messages;
>
> storing the received and displayed SMS short messages in a memory region of the facsimile machine or the multifunctional device operating in the wired network according to a user selection;
>
> printing the received and stored SMS short messages according to the user selection,

as recited in amended independent claim 1.

Werner discusses receiving a short message SMS by a fax machine FAX, which is processed further in the FAX machine with the help of a Fixed network-SMS-protocol stack implemented in the Fax machine FAX, which is then displayed on a display unit of the fax machine and/or is printed on the paper roll of the fax machine FAX. Werner also discusses that the short message SMS may be created in a fax machine FAX, stored in the intermediate storage in a memory of the fax machine FAX, and then transmitted to a fixed network telephone.

First, Werner does not discuss or suggest that the short message SMS that is received at the fax machine FAX is stored. Werner discusses particularly that the fax machine FAX may itself create an SMS message to be transmitted to a fixed network telephone, but not that the received SMS message is stored. Werner discusses only that the received SMS message is either displayed or printed.

Further, as conceded by the Examiner, Werner does not discuss or suggest storing the received SMS short messages according to a user selection, printing the received SMS short messages according to the user selection and deleting the printed SMS short messages according to the user selection after the printing.

In addition, Werner does not discuss or suggest storing the displayed SMS short message according to a user selection.

The Examiner indicates that Reifman makes up for the deficiencies in Werner. The Applicants respectfully disagree.

Reifman discusses that an IFAX 10 displays received FAX messages and the user may print any FAX message, save a FAX message or delete a FAX message.

The Examiner states in the Advisory Action that "Reifman has been cited with the mere purpose of showing the teaching that if a message, no matter what, it's received and stored in a facsimile machine as stated in the Werner reference, once in storage could be easily printed or deleted by the selection of an option or button in the facsimile machine since facsimile machines do have the capability of printing every message it receives and stores as shown in Reifman." However, Werner does not discuss receiving and storing SMS messages. Werner discusses either receiving, then displaying or printing the SMS message, or creating, then transmitting SMS messages.

SMS messages require an SMS program to be accessed to process the SMS messages. Reifman, on the other hand, deals with traditional fax messages. Reifman does not require the access of an SMS program to process the SMS messages.

Thus, while Werner discusses displaying or printing SMS messages that have been received, Werner does not discuss storing SMS messages that have been received. Reifman does not discuss storing SMS messages, as Reifman does not have the capability to process SMS messages. While Reifman discusses that messages may be printed, deleted or displayed according to a user's input, Reifman does not suggest storing, printing and deleting SMS messages according to a user selection. Further, combining Reifman with Werner does not suggest storing SMS short messages according to a user selection. In particular, as Werner does not discuss storing received SMS short messages, specifically storing received and displayed SMS short messages, then Werner does not suggest that a user is able to store SMS short messages according to a user selection after the SMS short messages have been displayed. Combining Reifman with Werner does not suggest storing SMS short messages according to a user selection after the SMS short messages have been displayed.

In contrast, as discusses at paragraph 0007 of the present specification, if SMS short messages are received, the SMS short messages are displayed and a user is able to selectively store, print and delete the SMS short messages such that an area occupied by the SMS short messages in a memory unit can be minimized, a waste of resources can be eliminated and the SMS short messages can be managed in a document format.

In addition, in the Advisory Action, the Examiner failed to address the change in principle of operation of Werner.

Werner receives SMS short messages. Reifman receives non-SMS facsimile messages. Werner as modified by Reifman would change the principle of operation of Werner. Werner requires sending and receiving SMS short messages, specifically as there is a specific format conversion required with short messages. If Werner were modified by Reifman, it would change the principle of operation of Werner. M.P.E.P. § 2143.01 states that "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

In Reifman, it is only clear that non-SMS short messages are able to be stored, printed and deleted according to a user selection. Thus, taking the non-SMS short messages (and the storing, printing and deleting of the displayed non-SMS short messages in accordance with a user's selection) and incorporating them into the SMS short messages of Werner would change the principle of operation of Werner.

Additionally, M.P.E.P. § 2143.01 states that "[i]f [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Werner specifically states at paragraph 0009 that "the task of this invention is to specify a technical solution for transmission of short messages from a telecommunication terminal to a fax machine or from a fax machine to a telecommunication terminal whereby the format conversion of short messages requires so far is omitted in the Short Message Service Center [emphasis added]" and at paragraph 0012 that "[a]n advantage of the invention due to the implementation of protocol stack in the fax device is the option of direct transmission of a short message from a telecommunication terminal to a fax machine without the Short Message Service Center having to undertake a format conversion from SMS-format into the fax-format [emphasis added]." Thus, if Werner is modified using the non-SMS messages of Reifman and the non-SMS implementation of specific functions of storing, printing and deleting

according to a user's input, then Werner would be rendered unsatisfactory for its intended purpose.

Therefore, as the combination of the teachings of Werner and Reifman does not suggest "displaying the received SMS short messages; storing the received and displayed SMS short messages in a memory region of the facsimile machine or the multifunctional device operating in the wired network according to a user selection; printing the received SMS short messages according to the user selection; and deleting the printed SMS short messages according to the user selection after the printing," as recited in amended independent claim 1, claim 1 patentably distinguishes over the references relied upon. Further, combining Werner and Reifman would change the principle of operation of Werner and would render Werner unsatisfactory for its intended purpose. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Also, the combination of the teachings of Werner and Reifman does not suggest "displaying the received SMS short messages on an operation panel; storing the received and displayed SMS short messages in a predetermined memory region of the facsimile machine or the multifunctional device operating in the wired network according to a user selection; and printing the stored SMS short messages according to the user selection," as recited in amended independent claim 13. Thus, claim 13 patentably distinguishes over the references relied upon. Further, combining Werner and Reifman would change the principle of operation of Werner and would render Werner unsatisfactory for its intended purpose. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Further, the combination of the teachings of Werner and Reifman does not suggest "according to a user selection setting up a call to the SMS, receiving short messages from the SMS through a wired network, displaying the received SMS short messages, storing the received and displayed SMS short messages in a memory region of the printing apparatus operating in the wired network and printing the received and stored SMS short messages," as recited in amended independent claim 21. Thus, claim 21 patentably distinguishes over the references relied upon. Further, combining Werner and Reifman would change the principle of operation of Werner and would render Werner unsatisfactory for its intended purpose. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In addition, the combination of the teachings of Werner and Reifman does not suggest "an SMS interface receiving short messages from the SMS through a wired network, displaying the received SMS short message, and storing the received and displayed SMS short messages in a memory region of the printing apparatus operating in the wired network according to a user

selection; [and] a printer printing the received and stored SMS short messages according to the user selection," as recited in amended independent claim 23. Thus, claim 23 patentably distinguishes over the references relied upon. Further, combining Werner and Reifman would change the principle of operation of Werner and would render Werner unsatisfactory for its intended purpose. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Additionally, the combination of the teachings of Werner and Reifman does not suggest "a programmed computer processor according to a user selection setting up a call to an SMS center, receiving SMS short messages, displaying the received SMS short messages, and storing the displayed SMS short messages through a wired network from the SMS center in a memory of the printing device operating in the wired network, selectively providing the received SMS short messages, and printing the stored SMS messages according to the user selection to allow managing the received SMS short messages in a document format," as recited in amended independent claim 27. Thus, claim 27 patentably distinguishes over the references relied upon. Further, combining Werner and Reifman would change the principle of operation of Werner and would render Werner unsatisfactory for its intended purpose. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Further, the combination of the teachings of Werner and Reifman does not suggest "displaying the received SMS short messages on an operation panel; storing the received and displayed SMS short messages in a predetermined memory region of the facsimile machine or the multifunctional device operating in the wired network according to a user selection; and printing the received and stored SMS short messages according to the user selection," as recited in amended independent claim 29. Thus, claim 29 patentably distinguishes over the references relied upon. Further, combining Werner and Reifman would change the principle of operation of Werner and would render Werner unsatisfactory for its intended purpose. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-6, 11, 12, 14, 15, 19, 20, 22, 24-26 and 30 depend either directly or indirectly from independent claims 1, 13, 21, 23, 27 and 29 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-6, 11, 12, 14, 15, 19, 20, 22, 24-26 and 30 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 1, 13, 21, 23, 27 and 29 have been amended. Claims 1-6, 11-15, 19-27, 29 and 30 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

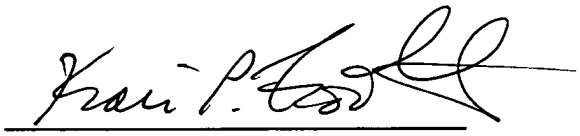
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 11, 2009

By: 

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